IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23101 of 2004

Between:

1 E. Jaganmohan Rao S/o Late Jaggarao
Cultivators R/o Chintaluru V Madugula (M) Visakhapatnam District
2 K. Ramu S/o Chilugunaidu
Cultivators R/o Chintaluru V Madugula (M) Visakhapatnam District

..... PETITIONERS

AND

1 State of A.P., rep by Principal Secretary, Department of Mines and Geology,
Secrtariat, Saifabad, Hyderabad
2 State of AP rep by PRincipal Secretary, AP Pollution Control Board, Mythri Bhavan,
Ameerpet, Hyderabad
3 Assistant Director of Mines and Geology, Visakhapatnam, Visakhapatnam District.
4 District Collector, Visakhapatnam District.
5 Mandal Revenue Officer, V. Madugula (M), Visakhapatnam District.
6 M. Giri Babu S/o Satyam, Proprietor of

M/s Vani Granites, Indu Enclave, Narasimha Nagar, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 5 in not initiating any action on the representation submitted by the petitioners, Dt 31-8-2004 for prevention of widespread pollution being caused by the 6th respondent by illegal mining operation being conducted in Sy. No. 284 of Chintaluru revenue village of V Madugula (M) of Visakhapatnam district, as illegal, irregular, violative of Articles 14, 21 and 300 A of the Constitution of India and also the provisions of Granite Conversion and Development Rule, 1999, and consequently direct the respondents to stop the said mining operations and pass such other order or orders.

Counsel for the Petitioners : MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos. 1, 3: GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.2: MR. S.V. BHATT.

Counsel for the respondent Nos. 4 and 5: G.P. FOR REVENUE.

Counsel for the respondent No.6: None appeared.

The Court at the admission stage made the following:

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1 . Grievance of the petitioners is to declare the action on the part of the respondents 1 to 5 in not initiating appropriate proceedings against respondent No.6 despite petitioners' representation dated 31.08.2004 as illegal.

2 . Petitioners allege that widespread pollution is being caused by 6th respondent by illegal mining operation in Sy.No.284 of Chintaluru revenue village of V.Madugula Mandal of Visakhapatnam district and despite representation, respondents 1 to 5 did not wake up to prevent the pollution.

3. In such like petition, taking the allegations as made in the writ petition and the fact that representation was submitted by petitioners to respondents 1 to 5 on 31.08.2004, we will dispose of this writ petition with direction to respondents 1 to 5 to treat this writ petition itself as representation in continuation of representation dated 31.08.2004 and take appropriate decision thereupon in accordance with law. Respondents 2 and 3 will ensure that inspection is carried out. In case respondent No.6 is found to be violating any of the provisions of law, it will be open for respondent No.2 to take appropriate action against respondent No.6 in accordance with law and, if necessary, issue prohibitory orders and also closure order in case respondent No.6 will not adhere to the directions to be issued by the authorities concerned. Ordered accordingly. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 21.12.2004.

VRK.

To

1 The Principal Secretary to Government, Department of Mines and Geology, State of A.P., Secretariat, Saifabad, Hyderabad
2 The Principal Secretary, AP Pollution Control Board, Mythri Bhavan, Ameerpet, Hyderabad
3 The Assistant Director of Mines and Geology, Visakhapatnam, Visakhapatnam District
4 The District Collector, Visakhapatnam District.
5 The Mandal Revenue Officer, V. Madugula (M), Visakhapatnam District.
6. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

7. Two CCs to G.P. for Mines & Geology, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 23101 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 21.12.2004.